

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

✓ As below named inventors, we hereby declare that:

TYPE OF DECLARATION

✓ This declaration is of the following type:

☒ Utility

INVENTORSHIP IDENTIFICATION

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

LONG WEAR LIFE FLAME-RETARDANT COTTON BLEND FABRICS

SPECIFICATION IDENTIFICATION

the specification of which is attached hereto.

✓ ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

✓ We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

✓ We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

✓ ☒ no such applications have been filed.

✓ We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States

application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

☒ no such applications have been filed.

#### POWER OF ATTORNEY

As a named inventors, we hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Terry M. Gernstein  
Reg. No. 26,891

Send all correspondence to:

~~Terry M. Gernstein~~  
~~1015 Salt Meadow Lane~~  
~~McLean, VA 22101~~

Direct Telephone Calls to:

Terry M. Gernstein  
(703) 790-5945

#### DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURES

✓ Full name of first inventor: <sup>1-00</sup> George R. Fleming

✓ Inventor's signature: George R. Fleming

✓ Date: 9-19-94 Country of Citizenship: United States

✓ Residence: 2709 Dobbs Dr. Phenix City, AL 36867

✓ Post Office Address: The same as above residence address

- 200
- ✓ Full name of second inventor: JAMES R. GREEN
- ✓ Inventor's signature: James R Green
- ✓ Date: 9/8/94 Country of Citizenship: United States
- ✓ Residence: 22 ROBIN DR. HOCKESSIA DE 19707, U.S.A.
- ✓ Post Office Address: The same as above residence address
- this declaration ends with this page.

(2)

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. (F) AND 1.27 (b) - INDEPENDENT INVENTOR

✓ As below named inventors, we hereby declare that we qualify as an independent inventor as defined in 37 C.F.R. §1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

described in the specification being filed herewith.

✓ We have not assigned, granted, conveyed or licensed and are under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9 (d) or a nonprofit organization under 37 C.F.R. §1.9 (e).

Each person, concern or organization to which we have assigned, granted, conveyed, or licensed or are under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

All rights granted to James R. Green shall be assigned to ITEX, Inc.

✓ We acknowledge our duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date of on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28 (b)).

✓ We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

✓ (Inventor's Name)

*George R. Henry*  
Signature of Inventor

Date: 9-19-94

(Inventor's Name)

James H. Green  
Signature of Inventor

Date: 9/8/94



(Rev. 11/88 Pub. 405)

FORM 7-2

7-9

## PATENT

Attorney's Docket No. \_\_\_\_\_

Applicant or Patentee: \_\_\_\_\_

Serial or Patent No.: 0 / \_\_\_\_\_

Filed or issued: \_\_\_\_\_

For: \_\_\_\_\_

### VERIFIED STATEMENT (DECLARATION) BY A NON-INVENTOR SUPPORTING A CLAIM BY ANOTHER FOR SMALL ENTITY STATUS

I hereby declare that I am making this verified statement to support a claim by  
ITEX, INC.

for small entity status for purposes of paying reduced fees under Section 41(a) and (b) of  
 Title 35, United States Code, with regard to the invention entitled \_\_\_\_\_

James R. Green, George R. Fleming

by inventor(s)

described in

☐ the specification filed herewith.

☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying fees under Section 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME ITEX, INC.

ADDRESS 1300 So. Potomac Street, Suite 138

Aurora, CO 80012-4526

☐ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

FULL NAME M.F. & H. Textiles, Inc.

ADDRESS West Highway 96

Butler, Georgia 31006

☐ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

(Small Entity—non-Inventor Supporting Claim [7-2]—page 1 of 2)

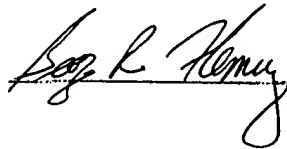
FULL NAME M.F. & H. Textiles, Inc.ADDRESS W. Highway 96Butler, Georgia 31006☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING George R. FlemingADDRESS OF PERSON SIGNING 2709 Dobbs DrivePhenix City, Alabama 36867

SIGNATURE



Date

9-19-94

FULL NAME ITEX, INC.  
ADDRESS 1300 So. Potomac Street, Suite 138  
Aurora, CO 80012-4526

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

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NAME OF PERSON SIGNING Richard G. Fields  
ADDRESS OF PERSON SIGNING 265 W. Surrey Drive  
Castle Rock, CO 80104

SIGNATURE Richard G. Fields Date 9-16-94